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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.       |
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| 09/870,142  | 05/30/2001  | Steven B. Smith      | 13660.17                        | 4558                   |
| 21999 7590 03/30/2010<br>KIRTON AND MCCONKIE<br>60 EAST SOUTH TEMPLE,<br>SUITE 1800<br>SALT LAKE CITY, UT 84111 |             |                      | EXAMINER<br>MADAMBA, CLIFFORD B |                        |
|   |             |                      | ART UNIT<br>3695                | PAPER NUMBER           |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

09/870,142

**Applicant(s)**

SMITH ET AL.

**Examiner**

CLIFFORD MADAMBA

**Art Unit**

3695

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 11-15 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 11-15, 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/02)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

***Status of Claims***

This action is in reply to the remarks and amendment for Application 09/870,142 filed on 29 January 2010.

Claims 1, 11, 32, 34 have been amended.

Claims 2-10, 16-31 are cancelled.

Claims 1, 11-15, 32-34 are currently pending and have been examined.

***Response to Arguments***

Applicant's arguments filed 29 January 2010 have been fully considered but they are not persuasive.

The Office has given consideration to the remarks and amendments made to the pending set of claims, but are considered moot in light of the new grounds of rejection, provided below, for the current listing of claims.

***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 11-15 are rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), in view of Wells et al., U.S. Patent 6,446,048 ("Wells"), and further in view of Bissonette et al., U.S. 6,343,279 ("Bissonette").

[Claim 1] (Currently Amended) Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion to provide a running balance for real-time categorical financial decision making across a plurality of financial accounts, the method comprising:

- establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account using a processor device running computer language instruction sets stored on a computer readable medium (C3 L25-43);

Chancey doesn't explicitly disclose:

- allocating portions of a budget to each of the plurality of virtual financial accounts using the processor device;

Wood, however, makes these teachings (see at least column 7, lines 17-22, lines 40-47; column 8, lines 41-44; see at least also column 5, lines 9-14 and lines 43-45; column 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, column 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- automatically using a third-party Internet-connected gateway to repeatedly access a plurality of financial institutions and to repeatedly search on-line credit card account and on-line checking account records of a plurality of actual financial accounts maintained by the plurality of financial institutions for recent purchases;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26; col. 16 L20-25, L33-37, L42-45, L62-65). Wells discloses as his invention a web-based entry of financial transaction information and subsequent download of such information. The present invention relates to the exchange of financial information over a global communication network. More particularly, the invention relates to centrally storing financial information received from mobile users and subsequently providing that information back to the respective users so that it can be integrated into the user's personal finance software. Wells further discloses an embodiment wherein a third-party web-site could be communicatively linked via network, further wherein said web-site could be the web-site of a bank, a governmental agency and/or a commercial vendor or any web-site where financial transactions can occur electronically. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Chancey doesn't further explicitly disclose:

- aggregating the search results using the gateway and displaying the search results over the Internet to a local processor device viewable by a user to show the user the updated status of a virtual account before making a purchasing decision;

This feature is expressly by Bissonette, however, in a related endeavor (Abstract; Fig. 5 {196}; Fig. 7 {246}; Fig. 19 {536}; Fig. 20 {586}; C1 L45-49, L62-64; C2 L59-61; C5 L48-51; C6 L56-64; C8 L19-22; C9 L18-25; C12 L56-59; C14 L21-43; C15 L15-20). Bissonette discloses as his invention a system integrating credit card transactions into a financial management system. The present invention is directed to a system that accounts for credit card transactions within a financial management system where credit card purchases are automatically reconciled to the proper accounts based on credit card number, and more particularly, to a system in which card transactions are subject to controls associated with internal financial system limits such as single purchase limits, account limits, budget limits, etc. which are independent of the credit card company issuer limits and which are set prior to the actual transaction. Bissonette further discloses wherein objects can be obtained by a system that controls and accounts for credit card transactions within a financial management system, wherein limits are placed on the card transactions which ensures that transactions comply with budget, financial planning and general ledger controls, wherein transactions can be obligated prior to or during the actual transaction with the bank and, wherein the transactions are automatically reconciled and budgets, plans, projects and general ledger entries updated accordingly. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Bissonette with those of Chancey for the motivation of managing purchase limits using budgetary controls.

[Claims 2-10] (Cancelled)

[Claims 11-15] Claim 11 recites limitations already addressed by the rejection of claim 1 above, therefore the same rejection applies. Furthermore, Chancey discloses the structural elements of claims 11-15 that perform the recited functionality (C5 L43-46).

[Claims 16-31] (Cancelled)

Claim 32 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), and further in view of Wells et al., U.S. Patent 6,446,048 ("Wells").

[Claim 32] (Currently Amended): Chancey discloses a forward-looking method for managing financial resources in an automated fashion for real-time categorical financial decision making across a plurality of actual financial accounts comprising:

- allocating transactions to an account selected from the plurality of virtual accounts (col. 3, lines 46-51; col. 4, lines 1-5)

Chancey doesn't explicitly disclose:

- establishing a plurality of virtual financial accounts prior to the advent of any financial transactions overlaid upon at least one actual financial account using a processor device running computer language instructions stored on a computer readable medium;
- allocating a given amount of funding for each of the plurality of accounts using the processor device establishing fixed budgets for each of the virtual accounts;
- automatically debiting or crediting the allocated fund amount according to the transactions allocated to the particular account and from the actual financial account as the transactions are obtained by the gateway;

Wood, however, makes these teachings (col. 1, lines 54-67; col. 2, lines 2-5, 7-9; col. 3, lines 35-37; col. 5, lines 43-45; col. 7, lines 17-22, lines 40-47; col. 8, lines 41-44, lines 53-67; col. 5, lines 9-14 and lines 43-45; col. 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey

as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, col. 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- using communications gateway to access a plurality of financial institutions and to search on-line records of the plurality of financial institutions representing a plurality of actual accounts for purchases on credit card or other financial instruments;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26; col. 16 L20-25, L33-37, L42-45, L62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Claim 33 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), in view of Wells et al., U.S. Patent 6,446,048 ("Wells"), and further in view of Goldsmith, U.S. 6,064,990 ("Goldsmith").

[Claim 33] (Currently Amended): Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion for real-time categorical financial decision making across a plurality of actual financial accounts comprising:



- allocating transactions to a virtual account corresponding to the type of transaction using the processor device (col. 3, lines 46-51; col. 4, lines 1-5);

Chancey doesn't explicitly disclose:

- establishing a plurality of virtual financial accounts prior to the advent of any financial transactions overlaid upon an actual financial account using a processor device running computer language instructions stored on a computer readable medium establishing fixed budgets for each of the virtual financial accounts over a specified period of time;
- allocating a given amount of budget for each of the plurality of accounts;
- automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available;

Wood, however, makes these teachings (col. 1, lines 54-67; col. 2, lines 2-5, 7-9; col. 3, lines 35-37; col. 5, lines 43-45; col. 7, lines 17-22, lines 40-47; col. 8, lines 41-44, lines 53-67; col. 5, lines 9-14 and lines 43-45; col. 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, col. 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- automatically periodically searching online financial records maintained by a plurality of financial institutions using an Internet-connected gateway for transactions made on a plurality of a user's credit cards;

This feature is expressly disclosed by Wells, however, in a related endeavor (Abstract; col. 3, lines 28-40, lines 51-56, lines 65-67; col. 4, lines 12-19; col. 5, lines 1-4, lines 12-16; col. 6, lines 65-67; col. 7, lines 1-5; col. 8, lines 27-30; col. 9, lines 62-67; col. 10, lines 1-16, lines 19-23; col. 14, lines 24-26; col. 16 L20-25, L33-37, L42-45, L62-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify the invention of Chancey with the feature(s) of Wells as discussed above for the motivation of automatically reconciling a user's electronic bank or commercial transaction records.

Chancey doesn't further explicitly disclose:

- notifying the user of the transactions as record of the transactions are obtained from the financial institutions;

Goldsmith, however, makes this teaching (col. 1, lines 53-64; col. 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, col. 1, lines 51-52).

Claim 34 is rejected under U.S.C. 103(a) as being unpatentable over Chancey et al., U.S. 5,842,185 ("Chancey"), in view of Wood, U.S. 7,050,997 ("Wood"), in view of Bissonette et al., U.S. 6,343,279 ("Bissonette"), and further in view of Goldsmith, U.S. 6,064,990 ("Goldsmith").

[Claim 34] (Currently Amended): Chancey discloses a forward-looking method for budgeting financial resources in an automated fashion to provide a running balance for real-time categorical financial decision making across a plurality of actual financial accounts, the method comprising:

- establishing a plurality of virtual financial accounts corresponding to budgetary categories overlaid upon an actual financial account using a processor device running computer language instructions stored on a computer readable medium (col. 3, lines 25-43);
- allocating transactions to a virtual account corresponding to the type of transaction (col. 3, lines 46-51; col. 4, lines 1-5);

Chancey doesn't explicitly disclose:

- allocating portions of a budget to each of the plurality of accounts using the processor device prior to the advent of any financial transactions;
- establishing fixed budgets for each of the virtual accounts over a specified period of time;
- automatically debiting the virtual account according to the transaction amount immediately after the transaction has been allocated to a virtual account and crediting the virtual account when funds become available when a new budgetary period begins.

Wood, however, makes these teachings (col. 1, lines 54-67; col. 2, lines 2-5, 7-9; col. 3, lines 35-37; col. 5, lines 43-45; col. 7, lines 17-22, lines 40-47; col. 8, lines 41-44, lines 53-67; col. 5, lines 9-14 and lines 43-45; col. 8, lines 63-66; figure 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Wood with the disclosures of Chancey as discussed above for the motivation of enabling a budgeting analysis tool for comparing current financial data with projected financial data (Wood, col. 4, lines 54-64).

Chancey doesn't further explicitly disclose:

- automatically periodically searching online financial records maintained by a plurality of financial institutions using an Internet-connected gateway for transactions made on a plurality of a user's credit cards; notifying the user of the transactions prior to the user making a purchasing decision.

This feature is expressly by Bissonette, however, in a related endeavor (Abstract; Fig. 5 {196}; Fig. 7 {246}; Fig. 19 {536}; Fig. 20 {586}; C1 L45-49, L62-64; C2 L59-61; C5 L48-51; C6 L56-64; C8 L19-22; C9 L18-25; C12 L56-59; C14 L21-43; C15 L15-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Bissonette with those of Chancey for the motivation of managing purchase limits using budgetary controls.

Chancey doesn't further explicitly disclose:

- notifying a user over the Internet when a purchase on a credit card or other financial instrument has been made as records of the transactions are obtained by the gateway;

Goldsmith, however, makes this teaching (col. 1, lines 53-64; col. 4, lines 47-59). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Goldsmith with the disclosures of Chancey as discussed above for the motivation of notifying a user of account activity (Goldsmith, col. 1, lines 51-52).

### ***Conclusion***

Claims 1, 11-15, 32-34 are rejected.

Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clifford Madamba whose telephone number is 571-270-1239. The examiner can normally be reached on Mon-Thu 7:30-5:00 EST Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle, can be reached at 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Clifford Madamba/  
Patent Examiner AU-3695

/Harish T Dass/  
Primary Examiner, Art Unit 3695